

20

BILL AND ANSWER

IN THE

CONTESTED ELECTION CASE

IN THE

REPRESENTATIVE DISTRICT COMPOSED OF THE
COUNTY OF CAMBRIA, A. D. 1858.

RICHARD J. PROUDFOOT, *Contestant*.

THOMAS H. PORTER, *Respondent*.

A. BOYD HAMILTON, State Printer.

COMMITTEE.

WILSON LAIRD, *Chairman.*
WILLIAM GRAHAM,
S. P. CHASE,
JOHN W. CAMPBELL,
LINDSAY MAHAFFEY,
W. W. KETCHUM,
O. H. P. KINNEY,
CHAS. HILL,
JOHN M'CURDY.

J. H. WELLS, *Secretary.*

P E T I T I O N .

To the Honorable the Speaker and Members of the House of Representatives of the Commonwealth of Pennsylvania:

The petition and complaint of the undersigned respectfully sheweth :

That they are citizens and qualified electors of the county of Cambria, and that a general election was held therein on the second Tuesday of October, in the year of our Lord one thousand eight hundred and fifty-eight, and they voted at the said general election therein, for the office of member of the House of Representatives, for and on behalf of the said county of Cambria.

Your petitioners further show, that it has been returned, that at said election Thomas H. Porter received 2,091 votes for the office of member of the House of Representatives, for and on behalf of the county aforesaid, and that Richard J. Proudfoot received 1,779 votes for the said office, and that said Thomas H. Porter has been returned as elected thereto by a majority of 312 votes, which your petitioners charge to be a false return, and undue election of the said Thomas H. Porter as member of the House of Representatives, for and on behalf of the said county ; and your petitioners contest the right of the said Thomas H. Porter to the said office of member of the House of Representatives, for and on behalf of said county.

That the said election and the said return of the said Thomas H. Porter as member of the House of Representatives as aforesaid, is false, fraudulent and untrue in this :

That at the said general election, two candidates to the office of member of the House of Representatives, for and on behalf of the county aforesaid, were voted for, to wit : The said Thomas H. Porter, who was unduly returned as having received for the said office 2,091 votes, and the said Richard J. Proudfoot, who was returned as having received 1,779 votes for said office.

Whereas, your petitioners allege, charge and verily believe that the said Thomas H. Porter received not more than 1,690 legal votes for said office, and that the said Richard J. Proudfoot received at least 1,758 legal votes for said office. Whereby your petitioners allege, and charge, and believe that the said Richard J. Proudfoot has received the highest number of legal votes for the said office, to wit : at least sixty-eight legal votes more than the said Thomas H. Porter.

Whereby the said Richard J. Proudfoot is elected to the said office of member of the House of Representatives, for and on behalf of the county aforesaid, and should have been so returned. And your petitioners specify more particularly the following grounds of contest :

First. That the general return of the return judges of said election was a false return in this : That it includes the return of the votes purporting to have been cast in the township of Washington, in the said county, for member of the House of Representatives, for and on behalf of the said county, which should not have been taken and counted in the said general return.

That the number of votes purporting by the said false return to have been

were 401 votes for the said Thomas H. Porter, and 21 votes for the said Richard J. Proudfoot, in the said township of Washington.

That the said return of 401 votes for the said Thomas H. Porter, and 21 votes for the said Richard J. Proudfoot, in the said township of Washington, should have been excluded from the general return of the said return judges, for this: That the said return of 401 votes for the said Thomas H. Porter, and 21 votes for the said Richard J. Proudfoot, in the said township of Washington, for the office of member of the House of Representatives as aforesaid, was false, fraudulent and untrue.

And that the said return of 401 votes for the said Thomas H. Porter, and 21 votes for the said Richard J. Proudfoot, in the said township of Washington, for the office of member of the House of Representatives, for and on behalf of the said county, should have been excluded from the general return of the said return judges for this: That the said election for the office of member of the House of Representatives as aforesaid, was falsely, fraudulently, illegally and unduly held in the said township of Washington, and should have been regarded as wholly void, and of no effect whatsoever.

Second. That the person who acted as judge of the said election, so as aforesaid held in the township of Washington, in the said county, to wit: Albert F. Cantwell, was wholly incapacitated to act as such judge; for that he said Albert F. Cantwell, before and at the time he so acted as judge of the said election, so as aforesaid held in the said township of Washington, was holding and exercising an office and appointment of trust and profit under the government of the United States, to wit: the office of post master at Sonnan, in the said county.

Third. That Werner Bender, who acted as one of the inspectors of the said election, so as aforesaid held in the said township of Washington, in the said county, was wholly incapacitated to act as such inspector; for that the said Werner Bender was and is deficient in a knowledge of the English language, and could not, therefore, perform the duties of the said office of inspector in conformity with the intention and spirit of the act of Assembly in such case made and provided.

That the said Werner Bender was legally incapacitated to act as such inspector in this: That he was falsely, unduly and illegally appointed to said office of inspector by Albert F. Cantwell, the person who, as aforesaid, acted as judge of the election so as aforesaid held in the said township of Washington.

That the appointment of the said Werner Bender as inspector as aforesaid, by the said Albert F. Cantwell, as aforesaid, was false, undue and illegal in this:

That at an election held in the said township of Washington, on the nineteenth day of February, in the year of our Lord one thousand eight hundred and fifty-eight, for judge and inspectors to conduct the said election, so as aforesaid held in the said township of Washington, on the second Tuesday of October last, Joseph Crist received the second highest number of votes for judge, and Michael Moyer received the second highest number of votes for inspector of the said last named election.

Whereby the said Michael Moyer was duly elected an inspector of the said last named election, so as aforesaid held in the said township of Washington.

That the said Michael Moyer having received the second highest number of votes for, and being duly elected inspector of the said last named election as aforesaid, did not attend and act as such inspector of the said last named election.

Whereby it then and there became and was the right and duty of the said Joseph Crist, (he having received the second highest number of votes for

judge as aforesaid,) to act in the place and stead of the said Michael Moyer, as inspector of the said last named election, so as aforesaid held in the said township of Washington.

Nevertheless, the said Werner Bender, by the said Albert F. Cantwell, was so as aforesaid falsely, fraudulently and illegally appointed an inspector of the said last named election, in the place and stead of the said Michael Moyer. And the said Werner Bender, in pursuance of the said false, fraudulent and illegal appointment, so made by the said Albert F. Cantwell, acting as judge of the said last named election as aforesaid, did unduly and illegally act in the place and stead of the said Michael Moyer, as inspector of the said last named election, so as aforesaid held in the said township of Washington.

That the appointment of the said Werner Bender as inspector of the said election was also false, fraudulent and illegal in this:

That the said appointment was made by the person who acted as judge of the said election, to wit: The said Albert F. Cantwell, who was as aforesaid legally incapacitated to act as such judge, by reason of his being at the same time an officer under the government of the United States.

Fourth. That John Short, who acted as one of the clerks of the said election, so as aforesaid held in the said township of Washington, on the second Tuesday of October last, was legally disqualified and unfit to act as such clerk, for that the said John Short was appointed to said office of clerk by the said Werner Bender, who as aforesaid acted as one of the inspectors of the said election.

That the appointment of the said John Short, as one of the clerks of the said election, was false, undue and illegal in this:

That the said appointment was made by the said Werner Bender, and the said John Short accepted and acted under the said appointment, as one of the clerks of the said election, whilst he, the said Werner Bender, falsely, unduly and illegally, as aforesaid, acted as one of the inspectors of the said election.

And for further specification in this behalf, your petitioners respectfully refer your honorable body to specification No. 3, hereinbefore set forth.

Fifth. That Charles Geiseman, who acted as one of the clerks of the said election, so as aforesaid held in the said township of Washington, on the second Tuesday of October last, was legally disqualified and unfit to act as such clerk, and that his appointment to, and his acts in the said office of clerk, were false, fraudulent, undue and illegal.

That the appointment of the said Charles Geiseman to the said office of clerk, and his acts therein, were false, fraudulent, undue and illegal in this:

That before and at the time he was so appointed to and acted in the said office of clerk of the said election, the said Charles Geiseman was holding and exercising an office of trust under the government of the United States, to wit: the office of deputy post master at Sonman, in the said county. In which said office of deputy post master the said Charles Geiseman was subordinate to the said Albert F. Cantwell, who, as aforesaid, acted as judge of the said election.

That the appointment of the said Charles Geiseman to the said office of clerk, and his acts therein, were false, fraudulent, undue and illegal in this:

That at the time he was so appointed to and acted in the said office of clerk of the said election, the said Charles Geiseman was, as your petitioners believe, an unnaturalized foreigner.

Sixth. That Albert F. Cantwell, who acted as judge of the said election, so as aforesaid held in the said township of Washington, on the second Tuesday of October last, was not legally qualified to act as such judge, for that the oath or affirmation prescribed in that behalf was not administered to the said

Wilbert F. Cantwell, before entering upon the duties of the said office, by an officer authorized to administer such oath or affirmation.

That Henry Reusch who acted as an inspector of the said election, so as aforesaid held in the said township of Washington, on the second Tuesday of October last, was not legally qualified to act as such inspector, for that the oath or affirmation prescribed in that behalf was not administered to the said Henry Reusch, before entering upon the duties of the said office, by an officer authorized to administer such oath or affirmation.

That Werner Bender, who acted as an inspector of the said election, so as aforesaid held in the said township of Washington, on the second Tuesday of October last, was not legally qualified to act as such inspector, for that the oath or affirmation prescribed in that behalf was not administered to the said Werner Bender, before entering upon the duties of the said office, by an officer authorized to administer such oath or affirmation.

That John Short, who acted as a clerk of the said election, so as aforesaid held in the said township of Washington, on the second Tuesday of October last, was not legally qualified to act as such clerk; for that the oath or affirmation prescribed in that behalf was not administered to the said John Short, before entering upon the duties of the said office, by an officer authorized to administer such oath or affirmation.

That Charles Geiseman, who acted as a clerk of the said election, so as aforesaid held in the said township of Washington, on the second Tuesday of October last, was not legally qualified to act as such clerk; for that the oath or affirmation prescribed in that behalf, was not administered to the said Charles Geiseman, before entering upon the duties of the said office, by an officer authorized to administer such oath or affirmation.

But, as appears by the certificates of the oaths of the said Albert F. Cantwell, the said Henry Reusch, the said Werner Bender, the said John Short, and the said Charles Geiseman, falsely, fraudulently, unduly and illegally delivered to the prothonotary of the court of common pleas of the said county, the said Albert F. Cantwell, Henry Reusch, Werner Bender, John Short and Charles Geiseman severally took and subscribed the oaths prescribed for the respective offices in which they so as aforesaid acted, before a certain F. M. George, who certified to the said oaths respectively, in the official character of a justice of the peace.

Whereas your petitioners allege and charge, that the said F. M. George was not a justice of the peace at the time he administered and certified the oaths of the officers who conducted the said election aforesaid; but that the said F. M. George then and there assumed the character of a justice of the peace without any right, power or authority whatever to act as such.

Whereby the said Albert F. Cantwell, Henry Reusch, Werner Bender, John Short and Charles Geiseman were not legally qualified to act as officers of the said election.

Seventh. That your petitioners believe, and so charge, that the officers of the said election so as aforesaid held in the said township of Washington, did wilfully and fraudulently neglect to have and keep at the said election a list of the taxable inhabitants of the said township.

Eighth. That your petitioners believe, and so charge, that the inspectors of the election so as aforesaid held in the said township of Washington, did wilfully and fraudulently neglect to mark the letter "V" opposite the name of the voter upon the assessment list at the time he voted.

Ninth. That your petitioners believe, and so charge, that the inspectors of the election so as aforesaid held in the said township of Washington, did wilfully and fraudulently neglect to add to such assessment, with the word "Tax" or "Age" written opposite thereto, the name of such person as did

not appear upon the said assessment, but who was afterwards returned as having voted at the said election.

Tenth. That the clerks of the said election so as aforesaid held in the said township of Washington, did wilfully and fraudulently neglect to note upon the lists of voters kept by them, the word "Tax," or "Age," opposite the name of any person returned as a voter at the said election, whose name did not appear upon the assessment list.

Eleventh. That the inspectors of the election so as aforesaid held in the said township of Washington, did wilfully and fraudulently neglect to receive proofs of the right of persons to vote at the said election, whose names were not upon the assessment list, but who were afterwards returned as having voted at the said election.

Twelfth. That the inspectors of the election so as aforesaid held in the said township of Washington, did wilfully and fraudulently neglect and refuse to swear persons whose names did not appear upon the assessment list, but who were afterwards returned as having voted at the said election, that they had not removed within the said township for the mere purpose of voting therein, but in pursuance of their lawful calling.

Thirteenth. That your petitioners believe and so charge, that, except in a single instance hereinafter mentioned, the inspectors of the election so as aforesaid held in the township of Washington, did wilfully and fraudulently neglect to require and receive proof or inquire into the right to vote, of any person whom they afterwards returned as having voted at the said election; although, as appears by the schedule hereunto appended and marked No. 1, and which your petitioners pray may be considered as part of this specification, 260 persons were returned by the said officers as having voted at the said election, whose names did not appear upon the assessment list.

The exception hereinbefore referred to, was in the case of Jacob Beck, who was required by the said inspectors to produce evidence of his having been naturalized before voting. But your petitioners represent, that the name of the said Jacob Beck appeared upon the said assessment list.

Fourteenth. That the officers of the election so as aforesaid held in the said township of Washington, did wilfully and fraudulently neglect and omit to require and receive proofs of the right to vote at said election, of any or either of the 260 persons whose names appear on the schedule hereto appended and marked No. 1, although each and all of the persons whose names appear upon the said schedule were returned by the said officers as having voted at the said election.

Which schedule, marked No. 1, as aforesaid, your petitioners pray may be considered as part of this specification.

Fifteenth. That your petitioners believe and so charge, that the officers of the said election so as aforesaid held in the said township of Washington, did wilfully and fraudulently count and tally votes to the number of 260 and upwards, which had not been voted by the qualified electors of said township of Washington, but which had been fraudulently thrown into the box by the said officers, or with their knowledge and connivance.

Sixteenth. That your petitioners believe and so charge, that the officers of the said election so as aforesaid held in the said township of Washington, did wilfully and fraudulently count and tally votes to the number of 260 and upwards, and return the same for persons who had not voted at said election; but which votes had been fraudulently thrown into the box by the said officers, with intent to make an undue return of votes for the said Thomas H. Porter, for member of the House of Representatives as aforesaid.

Seventeenth. That the officers of the election so as aforesaid held in the said township of Washington, with the intent and purpose of holding an

undue election, and making a false return of votes for the said Thomas H. Porter, for member of the House of Representatives as aforesaid, did wilfully and fraudulently return the names of William Jones, Terance Rice, Charles Geiseman and Hugh Kernan, as having severally voted at the said election.

Whereas, your petitioners believe and so charge, that although all the said names appeared upon the assessment list, yet the said William Jones, Terance Rice and Charles Geiseman, were unnaturalized foreigners and had no right to vote, whilst the said Hugh Kernan did not vote at all at said election.

That with such intent and purpose, the said officers did unduly and illegally return the name of Werner Bender, who was an inspector of the said election as aforesaid, as having voted twice at the said election.

And your petitioners hereunto append schedule No. 2, showing the names of persons returned as voters at said election, whose names were upon the assessment list, which schedule may be considered as part of this specification and petition.

Eighteenth. That the officers of the said election so as aforesaid held in the said township of Washington, with the intent and purpose of making a false return of votes therefrom for the said Thomas H. Porter, for the office aforesaid, did wilfully and fraudulently count and tally votes, and make return thereof, in the names of persons to the number of 10, whose names will appear on the schedule hereto appended and marked No. 1, which schedule may be considered as part of this specification, none of whom resided in the said township at the time of the said election, and none of whose names appeared upon the said assessment list.

Nineteenth. That the officers of the said election, so as aforesaid held in the said township of Washington, with the intent and purpose of making a false return of votes therefrom for the said Thomas H. Porter, did wilfully and fraudulently count and tally votes and make return thereof for persons to the number of two, whose names will appear on the schedule hereunto appended, and marked No. 1, which may be considered as part of this specification, both of which persons were dead many years before the said election.

Twentieth. That the officers of the said election, so as aforesaid held in the said township of Washington, with the intent and purpose of making a false and undue return of votes therefrom for the said Thomas H. Porter, did wilfully and fraudulently count and tally votes, and make return thereof for a large number of persons, to wit: to the number of 260 and upwards, none of whom voted at the said election; the names of whom will appear on the schedule hereunto appended and marked No. 1, which may be considered as part of this specification.

And your petitioners believe and so charge, that the election so as aforesaid held and conducted in the said township of Washington, was so held and conducted by the said officers, under and in pursuance of a previous combination between a majority of the said officers, to open and conduct an illegal and fraudulent election.

That with such intent and purpose, the said Albert F. Cantwell acted as judge of the said election.

That with such intent and purpose, the said Werner Bender was appointed an inspector of the said election; the said Werner Bender being at the time inefficient in a knowledge of the English language, ignorant of the duties of his office, and a fit subject to be imposed upon.

That with such intent and purpose, the said John Short was appointed to and acted in the office of clerk of the said election.

That with such intent and purpose, the said Charles Geiseman was appointed and acted as one of the clerks of the said election; the said Charles Geise-

man being at the time a subordinate to the said Albert F. Cantwell, and discharging the duties of an office under the General Government.

That with such intent and purpose, the said officers were sworn by F. M. George, who usurped the office of a justice of the peace for the occasion, with the knowledge and connivance of the said officers, or some of them.

That with such intent and purpose, the said election officers neglected to have and keep before them, as they were required to do, the laws of this Commonwealth prescribing the mode of conducting elections, and the qualifications of voters.

That with such intent and purpose, the said election officers commanded the assessor of the said township, to wit: Arthur Strom, to leave the place of holding the said election; and that this, whilst the said assessor was there to perform the duties enjoined upon him by law.

That with such intent and purpose, Alexander M. White, Richard White and F. M. George, were admitted into the election room whilst the officers of the said election were engaged in counting the votes.

That with such intent and purpose, the boxes containing the tickets voted at the said election were not bound round with tape, and sealed by the inspectors and judge, in the manner required by law.

That with such intent and purpose, the boxes containing the tickets voted at the said election were not delivered to the nearest justice of the peace in the time and manner required by law. That, on the contrary, the said boxes were delivered to F. M. George, a private citizen of Washington township, who was in nowise commissioned or qualified to act as a justice of the peace.

That with such intent and purpose, and with the desire of holding an undue election, and making a false return of votes cast for member of the House of Representatives, for and on behalf of the said county, at said election, the said election officers did wilfully and fraudulently neglect and refuse to perform their most important duties which the law directs them to perform, in order to prevent and detect the perpetration of fraud; which neglect of duty on the part of the said officers is hereinbefore fully specified.

That with such intent and purpose, and with the desire of holding an undue election and making a false return of votes for member of the House of Representatives as aforesaid, the said election officers did wilfully and fraudulently add to the lists of voters kept by the clerks of the said election, and return as voters, the names appearing upon the schedule hereunto annexed and marked No. 1, to be taken as part of this specification. Some of which names are the names of persons deceased, and non-residents of the said township, but the majority thereof, your petitioners believe to be wholly fictitious and fabricated.

Wherefore your petitioners show, that the said election so as aforesaid held in the said township of Washington, on the second Tuesday of October last, was not a fair election, held and conducted according to the requirements of the law, but was a fraud contemplated and directed by the officers of the said election.

That said election was not a fair election, held and conducted according to the spirit and intent of the law, but was a wicked and fraudulent attempt to defeat the will of a majority of the qualified electors of the said county.

And that said election was, in all respects, unfair, unjust, illegal, fraudulent and void, and the returns thereof ought to be entirely disregarded.

Whereby your petitioners allege and charge and believe, that the return of votes cast for member of the House of Representatives, at the election so as aforesaid held in the said township of Washington, to wit: 401 votes for the said Thomas H. Porter, and 21 votes for the said Richard J. Proudfoot,

is false, fraudulent, illegal and void, and should not, therefore, have been included in the general return of the return judges of the said county.

Wherefore your petitioners show, that at the general election held in the County of Cambria, on the second Tuesday of October, Anno Domini one thousand eight hundred and fifty-eight, and by the means aforesaid, Richard J. Proudfoot was duly elected to the office of member of the House of Representatives for and on behalf of the county of Cambria aforesaid, the said Richard J. Proudfoot having received more legal votes than were given for Thomas H. Porter, or for any other person, and that, therefore, the election was undue, and the return false in declaring and returning the said Thomas H. Porter as duly elected to the said office.

Your petitioners therefore pray your honorable body to select a committee to hear and determine this complaint: And that the said committee may make such orders as may be necessary to exhibit the aforesaid undue and false return, together with every matter and thing touching the same: And that the said committee will order, adjudge and report that the said return of the said Thomas H. Porter to the office of member of the House of Representatives, for and on behalf of the said county of Cambria, is false, fraudulent, illegal and void; and that the said Richard J. Proudfoot, having received the greatest number of legal votes is duly elected to the said office, and entitled to his seat: And that your honorable body will take such other action in the premises as you may deem meet.

And your petitioners, as in duty bound, will ever pray, &c.

A. C. MULLIN,
D. H. ROBERTS,
DAVID J. JAMES,
NEWTON J. ROBERTS,
DAVID J. JONES,
CHARLES J. OWENS,
WM. WHERRY,
RICH'D T. DAVIES,
R. H. TUDOR,
DAVID LEWIS,
DANIEL DAVIS,
WM. D. DAVIS,

RICHARD J. TALBOT,
D. J. EVANS,
MORGAN HUMPHRIES,
ISAAC EVANS,
MORRIS PEAT,
EVAN D. EVANS,
J. H. CAMPBELL,
JNO. THOMPSON, JR.,
C. THOS. ROBERTS,
E. W. DAVIS,
EVAN C. EVANS.

Cambria county, ss:

Five of the above petitioners, named in the foregoing petition, being duly sworn and affirmed according to law, do say, that they are qualified electors of the county of Cambria, and that the facts stated in the foregoing petition are true to the best of their knowledge and belief.

A. C. MULLIN,
JNO. THOMPSON, JR.,
J. H. CAMPBELL,
R. H. TUDOR,
D. J. EVANS.

Sworn to and subscribed before me, this 8th day of January, A. D. 1859.
D. H. ROBERTS, J. P.

SCHEDULE NO. 1,

Showing the names of persons returned as voters at the election held in Washington township, Cambria county, on the second Tuesday of October, A. D. 1858, none of which names appeared upon the assessment list.

2. Joseph P. Scott.....	1
4. Paul Hurt.....	2
5. James M. Alles.....	3
11. Edward Murphy.....	4
13. Henry Mansfield, resides in Allegheny township.....	5
14. Philip Clark.....	6
15. Roger Prior.....	7
16. Robert Pennel.....	8
17. Mark Clare.....	9
18. Lawrence O'Harra.....	10
19. Philip Rentes.....	11
20. Gotleib Hahn.....	12
21. Morritz Hauser.....	13
22. Joseph Heater.....	14
23. Walter Schulty.....	15
24. John M'Dowell.....	16
25. John M'Colgan.....	17
29. Martin Gruber.....	18
30. Jacob Holzman.....	19
31. Henry Wehrle.....	20
32. Lewis Frank.....	21
33. Jacob Martin.....	22
34. George Falkner.....	23
35. George Haas.....	24
36. Gotleib Harup.....	25
37. Samuel Hoffman.....	26
38. Henry Dellon.....	27
39. Emanuel Brown.....	28
40. Conrad Hargus.....	29
41. Moses Sittig.....	30
42. Lawrence Cress.....	31
43. Joseph Rusche.....	32
44. Henry Mope.....	33
45. Lewis Peach.....	34
46. Edward Jones.....	35
47. Adam Ginger.....	36
48. Joseph Borter.....	37
49. Samuel Tomlinson.....	38
50. Adam Roser.....	39
51. Peter Strickler.....	40
52. Frederick Harzell.....	41
53. John Ferry.....	42
54. James Thompson.....	43
55. John Lewis.....	44
56. Morris Edwards.....	45
57. Henry Lloyd, resides in Susquehanna township.....	46
58. Justus Moore.....	47
59. Jacob Fowler.....	48

60. Matthew Hall.....	49
65. Fritz Glechart.....	50
67. George Glein.....	51
68. William O'Donnell.....	52
69. Lawrence Gerger.....	53
70. Michael Sheridan.....	54
71. Lewis Blake.....	55
72. Morris O'Conner.....	56
73. Edward Davis.....	57
74. John Hopkins.....	58
75. Benjamin Allen.....	59
76. Moses Warren.....	60
77. Arthur Warrel.....	61
78. Joseph Greene.....	62
79. Harry McCullough.....	63
81. Thomas Rupp, voted on age. Not sworn.....	64
84. John McCormick.....	65
85. Louis Gonseyman.....	66
86. Jacob Webber.....	67
87. Thomas Power.....	68
88. George Goldschmidt.....	69
89. Arthur Hartman.....	70
92. Frederic Short.....	71
94. John Blockwell.....	72
95. Jacob Gelbert.....	73
96. William Lentz.....	74
97. Thomas Bedger.....	75
98. John Ranken.....	76
99. William Gillan. Died in Munster twp., six years ago..	77
100. Joseph Ginger.....	78
101. Patrick Ken.....	79
103. Peter Hartzell.....	80
104. George Lathan.....	81
105. Barney Murphy.....	82
110. Joseph D. Ayres.....	83
111. William D. Ayres.....	84
112. William T. Henry.....	85
113. Samuel Daly.....	86
114. John Gragley.....	87
115. William Riddell.....	88
116. Paul Sheridan.....	89
117. Thomas M'Dunn, resides in the State of Kentucky.....	90
118. George Phister.....	91
119. Bernard Sullivan.....	92
120. Philip Cone.....	93
121. William L. Schueser.....	94
125. Michael Kerr.....	95
126. John S. Eckhardt.....	96
127. John Donough.....	97
128. Frederic Wills.....	98
129. Lewis Collins.....	99
130. Henry Worder.....	100
131. Joseph Reichert.....	101
132. George Keller.....	102

135. Gasper Hern.....	104
136. William Glover.....	105
137. James Houk.....	106
138. Michael Langlen.....	107
139. William Gallaher.....	108
140. Samuel Bronnell.....	109
141. James S. Work.....	110
142. Alexander Augan.....	111
143. James Marker.....	112
144. Levi Cannon.....	113
145. Evan Williams.....	114
146. Terence Maher.....	115
147. William Dwyer.....	116
148. Philip Fountain.....	117
149. Henry Murray.....	118
150. George Dietl.....	119
151. Christian Bech.....	120
152. Lewis Ernest.....	121
153. Robert Watson.....	122
154. Rowland Davis.....	123
155. Samuel Burkner.....	124
156. Michael Griel.....	125
157. Patrick M'Guire, resides in Allegheny township.....	126
158. George Dollin.....	127
159. Ignas Wilson.....	128
160. William Clark.....	129
161. Thomas Dunnis.....	130
162. Wilson Kilborn.....	131
163. Absalom Martin.....	132
164. James Henry.....	133
166. Charles Magner.....	134
167. John Rei.....	135
168. Carl Weik.....	136
169. James D. M'Kennies.....	137
170. Andrew Abbott.....	138
171. B. Knepple.....	139
172. Peter Burk.....	140
173. Henry Rodkey.....	141
174. Jesse Moglen.....	142
175. James Mahlon.....	143
176. John Kardt.....	144
177. Peter Smith.....	145
178. Thomas Henderson.....	146
179. William Cullin.....	147
180. Fredr. Schmidt.....	148
181. Anton Benz.....	149
182. Lewis Kennig, resides in Cambria township.....	150
183. Daniel Beamer.....	151
184. Charles Moore.....	152
185. Joseph Murphy.....	153
186. Andrew Slick.....	154
187. Henry Bryan.....	155
188. Joseph Frank.....	156
189. Christian Kline.....	157

191. Luke M'Kellup.	159
192. Samuel Moore.	160
193. Morris Casey.	161
194. John Steepler.	162
195. J. J. Leitrell.	163
196. Jeremiah Mehan.	164
197. Moritz Luellen.	165
198. Adam Huebsch.	166
199. Bernard Walter.	167
200. Peter Nixon.	168
201. David Douthett.	169
202. Alfred Skinner.	170
203. James Barrett.	171
210. James M'Gee.	172
211. Mathew Bryan.	173
212. Daniel Browser.	174
214. William Kibler.	175
215. Herm. Denzinger.	176
223. George Longstreth.	177
226. John M'Donald.	178
227. James Gibbon.	179
231. Roger Beam, a boy residing at Johnstown.	180
232. Henry M'Crum.	181
233. Patriek Bridley.	182
234. Jacob Reger.	183
235. James M'Keeser.	184
236. James Gohmon.	185
238. William M'Dunn, resides in Jefferson, Summerhill tp. . .	186
243. John W. Noffske.	187
244. Warner Burn.	188
245. S. Somendigger.	189
246. B. Somendigger.	190
247. Walter Kelly.	191
248. Lueas Kenner.	192
249. Daniel Rush.	193
255. Samuel Ruff.	194
256. Christ. Wimmer.	195
257. Henry M'Ataminy. Died many years ago.	196
259. William Kabener. Neither <i>Kabener</i> nor <i>Cavener</i> on ass't..	197
260. Franeis Witan.	198
261. Henry Bend.	199
262. George Farren.	200
263. Jacob Green.	201
264. James Walton.	202
265. Thomas Bryan.	203
266. Daniel M'Call.	204
267. Michael Kerney.	205
280. Daniel Wurtz.	206
281. Luke Williams.	207
282. David Rich.	208
283. Christopher Grope.	209
284. Samuel O'Donnell.	210
285. Richard Kury.	211
286. John Sterne.	212
287. James O'Neal.	213

288. Daniel Renner.....	214
289. Bernard M'Dunn, resides in Minnesota.....	215
290. Henry S. Cannich.....	216
291. Patrick M'Coller.....	217
292. Christopher Glasser.....	218
293. Thomas Devor.....	219
294. Aaron Saver.....	220
295. John Sempior.....	221
296. Peter Robinson.....	222
297. Samuel Rush.....	223
298. Francis Wiler.....	224
299. Gottlieb Fisher.....	225
300. Flavian Hahnle.....	226
301. Balkar Walker.....	227
302. Daniel Croner.....	228
313. John Bacon.....	229
314. Michael Gonner.....	230
315. Samuel Henlock.....	231
316. Herman Puffier.....	232
319. William Harkens.....	233
321. Henry Ellers.....	234
322. John Fittler.....	235
323. Eugene Dullen.....	236
324. Michael Carron.....	237
325. Joseph Harden.....	238
326. Dennis Holty.....	239
327. Charles Glenart.....	240
337. Conrad Biter.....	241
346. John Donahoe.....	242
347. John M'Cune.....	243
368. Henry M'Anoldy. Proved his right to vote.....	244
377. William Lilly.....	245
390. George Bierbein.....	246
391. John Segell.....	247
398. Patrick Watson.....	248
400. Luke Smith.....	249
404. James Myers.....	250
405. Daniel Connahan.....	251
407. Michael Murphey.....	252
412. George Behm.....	253
422. Andrew Masterson.....	254
425. Andrew Kinsler.....	255
426. James Arben.....	256
427. Jacob Keller.....	257
428. Dennis M'Donnell.....	258
429. Bernard Silver.....	259
430. Terance Riley.....	260
431. Casper Beeker.....	261
432. David Jones.....	262
433. Werner Bender. Inspector of election. Returned as voting twice. (See schedule, No. 2).....	263
434. Robert Leeper.....	264
435. David Jenkins.....	265
437. August Reemer.....	266

RECAPITULATION.

Whole number of names on schedule, No. 1.....	266
Do.....do.....do.....2.....	171
Number of voters returned.....	<u>437</u>

SCHEDULE NO. 2,

Showing the names of persons returned as voters, at the election held in Washington township, Cambria county, on the second Tuesday of October, Anno Domini, 1858, whose names were on the assessment list.

1. Jacob Burgoon.....	1
3. Michael Short.....	2
6. John Park.....	3
7. Matthew M. Adams.....	4
8. Michael Hassey.....	5
9. Michael Riley. No Mich'l Riley on assessment. <i>Maurice</i>	6
10. Lewis Cassiday.....	7
12. James Fenlon.....	8
26. David Sharp.....	9
27. Michael Burgoon.....	10
28. Jerry M'Gonigle.....	11
61. Jesse Woodcock.....	12
62. A. M. White.....	13
63. William Tiley.....	14
64. William Jones. Not naturalized.....	15
66. Hugh Kernan. Did not vote.....	16
80. Samuel M'Gough.....	17
82. John Brown.....	18
83. Thomas H. Porter.....	19
90. James A. M'Gough.....	20
91. Jesse M'Gough.....	21
93. Thomas Short.....	22
102. James Dougherty.....	23
106. Samuel Lego.....	24
107. James Conrad.....	25
108. Joseph Geisinger.....	26
109. Ignaz. Flenner.....	27
122. Hugh M'Ataminy.....	28
123. William M'Gough.....	29
124. Henry Reusch.....	30
133. Werner Bender, inspector, voted twice. (See sched. No.1.)	31
165. John W. Short, clerk, has since left the township.....	32
204. A. F. Cantwell.....	33
205. Joseph Christy.....	34
206. Michael Ehrenfelt.....	35
207. William M'Closkey.....	36
208. Hugh M'Closkey.....	37
209. John Itell.....	38

213. Zachariah Leff.....	39
216. Maurice George.....	40
217. Thomas Donahoe.....	41
218. Frederick L. George.....	42
219. George Tiley.....	43
220. Thomas Dougherty.....	44
221. Christopher George.....	45
222. Paul George.....	46
224. Owen Lynch.....	47
225. Michael Mooney.....	48
228. Thomas Brookbank.....	49
229. Samuel Short.....	50
230. John Noel, Sen.....	51
237. Valentine Quartz.....	52
239. John Mullen.....	53
240. Michael Brawley.....	54
241. John Behe.....	55
242. Tim. O'Keefe.....	56
250. Harry Marlett.....	57
251. John Flowers.....	58
252. Paul George.....	59
253. Philip Flenner.....	60
254. Peter M'Gough.....	61
258. Bender Streyer. <i>Reuben Streyer on list</i>	62
268. P. P. George.....	63
269. Samuel Ship.....	64
270. Charles Noon.....	65
271. Hugh O'Donnell.....	66
272. James Cunningham.....	67
273. Jeremiah Topper.....	68
274. Timothy M'Ataminy.....	69
275. Thomas Christe.....	70
276. Henry Brown.....	71
277. Jacob Warner.....	72
278. Francis M'Connell.....	73
279. George Myers.....	74
303. Patrick <i>Daiser</i> . <i>Intended perhaps for Daisy</i>	75
304. John Rainey.....	76
305. John Kelly.....	77
306. Samuel Short.....	78
307. Joseph Itel.....	79
308. Peter B. Moyers.....	80
309. Mark M'Laughlin.....	81
310. James Dougherty.....	82
311. Michael Maxwell.....	83
312. John Wilkins.....	84
317. John Kramer.....	85
318. Zopher R. James.....	86
320. William Carland.....	87
328. Ignatius A. Adams.....	88
329. Samuel Long.....	89
330. Thomas O'Hara.....	90
331. William Brown.....	91
332. George Martz.....	92
333. Dudley Templeton.....	93

334. Francis Conrad	94
335. Philip George	95
336. Andrew Ager	96
338. Dennis O'Donnell	97
339. Alexander Long	98
340. Jacob Leib	99
341. Lawrence Hartman	100
342. Julius Ager	101
343. Silas Burgoon	102
344. Terance Rice. Not naturalized	103
345. John M'Cool	104
348. James M'Garity	105
349. Michael A. Skelly	106
350. Patrick M'Manimy	107
351. Christian Leib	108
352. John Connahan	109
353. William Behe	110
354. Conrad Ager	111
355. Edward Burk	112
356. F. M. George. Non-commissioned justice	113
357. Michael Moyer	114
358. William George	115
359. John Varley, Sr.	116
360. Jacob Brendle	117
361. John Hamilton	118
362. John Varley, Jr.	119
363. Michael Donahoe	120
364. Mitchell Gordon	121
365. Jacob Beck	122
366. John M'Gough, Jr.	123
367. John Noel, Jr.	124
369. Philip Warner	125
370. John Litzinger	126
371. Peter Kern	127
372. Joseph Burgoon	128
373. David Ager	129
374. Andrew Kimball	130
375. Patrick M'Conologue	131
376. Lazarus Reigle	132
378. Barney Biglin	133
379. Michael O'Conner	134
380. James Murray	135
381. William Strauss	136
382. Alexander M'Intosh	137
383. Francis Donahoe	138
384. John Troxell	139
385. Patrick Donahoe	140
386. William Dougherty	141
387. Michael Gorman	142
388. Augustin M'Intosh	143
389. Jacob Beerlein	144
392. Daniel O'Skelly	145
393. John Biglin	146
394. Henry Behe	147
395. James Riley	148

396. Patrick Smith.....	149
397. Richard Detling.....	150
399. Patrick Dougherty.....	151
401. Peter Myers.....	152
402. James Farren.....	153
403. Patrick M'Hugh.....	154
406. William Ryan.....	155
408. Jacob Mouse.....	156
409. Samuel Brendell.....	157
410. Richard Trotter.....	158
411. John Wherry.....	159
413. Joseph Behe.....	160
414. Michael M'Call.....	161
415. William Russell.....	162
416. Joseph Rainey.....	163
417. Andrew Gice.....	164
418. Zach. Topper.....	165
419. Stephen A. Myers.....	166
420. Arthur Storm.....	167
421. James Campbell.....	168
423. Richard White.....	169
424. Valentine Hesse.....	170
436. Charles Geiseman, clerk, deputy postmaster, &c. Un- naturalized, and has since left the township.....	171

Cambria County, ss:

I, Joseph M'Donald, prothonotary of the court of common pleas of the said county, do hereby certify that A. C. Mullin, D. H. Roberts, David J. James, Newton J. Roberts, David J. Jones, Charles J. Owens, Wm. Wherry, Rich'd T. Davies, R. H. Tudor, David Lewis, Daniel Davis, Wm. D. Davis, Richard J. Tibbott, D. J. Evans, Morgan Humphreys, Isaac Evans, Morris Peat, Evan D. Evans, J. H. Campbell, Jno. Thompson, Jr., C. Thos. Roberts, E. W. Davis and Evan C. Evans, the petitioners named in the foregoing petition, were, at the time of signing the same and now are, duly qualified electors of the said county of Cambria.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court, at Ebensburg, this 8th day of January, Anno Domini 1859.

JOSEPH M'DONALD, *Prothonotary*. [SEAL.]

ANSWER OF THE RESPONDENT.

In the matter of the petition contesting the right of Thomas H. Porter, Esq., to a seat in the House of Representatives,

Thomas H. Porter, Esq., the respondent in the above stated case, appears by his counsel, and in answer to the specifications in the complainant's petition, saith:

First. That he hath no knowledge of the alleged frauds and irregularities as set forth and contained in the various specifications of the complaint of the petitioners.

Second. That he had no connivance or complicity whatever with any of the said frauds or irregularities, if such alleged frauds ever existed.

Third. That he is prepared to satisfy this committee, by competent testimony, that he received a majority of the legal votes at the election held in Cambria county, on the second Tuesday of October last, for the office of member of the House of Representatives, and is therefore legally elected to said office.

Fourth. That he received, at said election in the township of Washington, one hundred and fifty-six votes, each and every of said votes having been polled by persons legally qualified to exercise the right of suffrage, whose names are contained on schedule No. 2, which is attached to the petition of the complainants.

Fifth. That he received in Washington township, at the late election, on the second Tuesday of October, A. D. 1858, 156 legal votes, deposited by the following persons, whose names are contained on schedule No. 2, on the petition of the complainants, to wit:

- | | |
|--------------------------|------------------------|
| 1. Jacob Burgoon, | 41. Owen Lynch, |
| 2. Michael Short, | 42. Michael Murray, |
| 3. John Park, | 43. Thomas Brookbank, |
| 4. Matthew M. Adams, | 44. Samuel Short, |
| 5. Michael Hassey, | 45. John Noel, Sen., |
| 6. Maurice Reily, | 46. Valentine Quartz, |
| 7. Lewis Cassidy, | 47. John Mullin, |
| 8. James Fenlon, | 48. Michael Brawley, |
| 9. David Sharp, | 49. John Behe, |
| 10. Jeremiah M'Gonigle, | 50. Timothy O'Keeffe, |
| 11. A. M. White, | 51. Harry Marlett, |
| 12. William Tiley, | 52. John Flowers, |
| 13. Samuel M'Gough, | 53. Paul C. George, |
| 14. John Brown, | 54. Philip Flenner, |
| 15. James A. M'Gough, | 55. Peter M'Gough, |
| 16. Jesse M'Gough, | 56. Reuben Strayer, |
| 17. Thomas Short, | 57. P. P. George, |
| 18. James Dougherty, | 58. Samuel Ship, |
| 19. Samuel Lege, | 59. Charles Noon, |
| 20. Joseph Geisinger, | 60. Hugh O'Donnell, |
| 21. Ignatius Flenner, | 61. James Cunningham, |
| 22. Hugh M'Ataminy, | 62. Jeremiah Topper, |
| 23. William M'Gough, | 63. Timothy M'Ataminy, |
| 24. Henry Reusch, | 64. Thomas Christe, |
| 25. Werner Bender, | 65. Henry Brown, |
| 26. John W. Short, | 66. Jacob Warner, |
| 27. A. F. Cantwell, | 67. Francis M'Connell, |
| 28. Joseph Christy, | 68. George Myers, |
| 29. Michael Ehrenfelt, | 69. Patrick Daisey, |
| 30. William M'Closkey, | 70. John Rainey, |
| 31. Hugh M'Closkey, | 71. John Kelly, |
| 32. John Itel, | 72. Samuel Short, Jr., |
| 33. Zachariah Leff, | 73. Joseph Itel, |
| 34. Maurice George, | 74. Peter B. Moyer, |
| 35. Thomas Donahoe, | 75. Mark M'Laughlin, |
| 36. Frederick L. George, | 76. James Dougherty, |
| 37. George Tiley, | 77. Michael Maxwell, |
| 38. Thomas Dougherty, | 78. John Wilkins, |
| 39. Christopher George, | 79. John Kremer, |
| 40. Paul George, | 80. Zopher James. |

- | | |
|--------------------------|--------------------------|
| 81. William Carland, | 119. Patrick M'Cuclogue, |
| 82. Ignatius A. Adams, | 120. Lazarus Reigle, |
| 83. Thomas O'Hara, | 121. Barney Biglier, |
| 84. William Brown, | 122. Michael O'Conner, |
| 85. George Martz, | 123. James Murray, |
| 86. Dudley Templeton, | 124. William Strauss, |
| 87. Philip George, | 125. Alexander M'Intosh, |
| 88. Andrew Ager, | 126. Francis Donahoe, |
| 89. Dennis O'Donnell, | 127. John Troxell, |
| 90. Jacob Leib, | 128. Patrick Donahoe, |
| 91. Lawrence Hartman, | 129. William Dougherty, |
| 92. Julius Ager, | 130. Michael Gorman, |
| 93. Silas Burgoon, | 131. Augustin M'Intosh, |
| 94. John M'Cool, | 132. Jacob Bierlien, |
| 95. James M'Garity, | 133. Daniel O'Skelly, |
| 96. Michael A. Skelly, | 134. John Biglier, |
| 97. Patrick M'Manamy, | 135. Henry Behe, |
| 98. Christian Leib, | 136. James Riley, |
| 99. John Coonahan, | 137. Patrick Smith, |
| 100. William Behe, | 138. Patrick Dougherty, |
| 101. Conrad Ager, | 139. Peter Moyers, |
| 102. Edward Burk, | 140. James Farran, |
| 103. F. M. George, | 141. Patrick M'Hugh, |
| 104. Michael Moyer, | 142. Jacob Mouse, |
| 105. William George, | 143. Samuel Brindle, |
| 106. John Varrelly, | 144. Richard Trotter, |
| 107. Jacob Brendel, | 145. John Wherry, |
| 108. John Hamilton, | 146. Joseph Behe, |
| 109. John Varrelly, Jr., | 147. Michael M'Call, |
| 110. Michael Donahoe, | 148. William Russel, |
| 111. Jacob Beck, | 149. Joseph Rainy, |
| 112. John M'Gough, | 150. Andrew Gice, |
| 113. John Noel, Jr., | 151. Zachariah Topper, |
| 114. Philip Warner, | 152. Stephen A. Myers, |
| 115. Peter Kern, | 153. Arthur Storm, |
| 116. Joseph Burgoon, | 154. James Campbell, |
| 117. David Ager, | 155. Richard White, |
| 118. Andrew Kimmell, | 156. Valentine Hesse. |

THOMAS H. PORTER.

Dauphin County, ss:

Thomas H. Porter, being duly sworn according to law, saith that the facts set forth in the foregoing answer are just and true according to the best of his knowledge and belief, and further saith not.

THOMAS H. PORTER.

Sworn and subscribed before me this 14th day of January, A. D. 1859.

WILSON LAIRD,
Chairman of Committee.

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 10th inst.

and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.